

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
at CHATTANOOGA

| | | |
|--------------------------|---|-------------------------------|
| UNITED STATES OF AMERICA |) | |
| |) | Case No. 1:11-cr-100 |
| v. |) | |
| |) | Chief Judge Curtis L. Collier |
| JAMES SMILEY |) | |

ORDER

Magistrate Judge Susan K. Lee filed a report and recommendation recommending the Court:

(1) accept Defendant's plea of guilty to Count One of the One-Count Bill of Information;

(2) adjudicate Defendant guilty of the charges set forth in Count One of the Bill of Information;

(3) defer a decision on whether to accept the plea agreement until sentencing; and (4) defendant has been released on bond under appropriate conditions of release pending sentencing in this matter without objection (Court File No. 22). Neither party filed a timely objection to the report and recommendation. After reviewing the record, the Court agrees with the magistrate judge's report and recommendation. Accordingly, the Court **ACCEPTS** and **ADOPTS** the magistrate judge's report and recommendation (Court File No. 22) pursuant to 28 U.S.C. § 636(b)(1) and **ORDERS** as follows:

- (1) Defendant's plea of guilty to Count One of the Bill of Information is **ACCEPTED**;
- (2) Defendant is hereby **ADJUDGED** guilty of the charges set forth in Count One of the Bill of Information;
- (3) A decision on whether to accept the plea agreement is **DEFERRED** until sentencing; and
- (4) Defendant **SHALL REMAIN** on bond under appropriate conditions of release pending

sentencing in this matter which is scheduled to take place on **Thursday, April 12, 2012 at 9:00 a.m. [EASTERN]** before the Honorable Curtis L. Collier.

SO ORDERED.

ENTER:

/s/ _____
CURTIS L. COLLIER
CHIEF UNITED STATES DISTRICT JUDGE